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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,741	05/04/2007	James A. Euchner	F-683-O1	8708

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PITNEY BOWES INC.
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MSC 26-22
SHELTON, CT 06484-3000

EXAMINER
BAYOU, YONAS A

ART UNIT	PAPER NUMBER
2434	

NOTIFICATION DATE	DELIVERY MODE
08/19/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

iptl@pb.com

	Application No.	Applicant(s)
	10/582,741	EUCHNER ET AL.
Office Action Summary	Examiner	Art Unit	
	YONAS BAYOU	2434	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 May 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-7</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-7</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>04 May 2007</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or
> composition of matter, or any new and useful improvement thereof, may obtain a patent
> therefor, subject to the conditions and requirements of this title.

Claims 1-7 are rejected under 35 U.S.C. 101 based on Supreme Court
precedent and recent Federal Circuit decisions, a 35 U.S.C § 101 process must
(1) be tied to a particular machine or (2) transform underlying subject matter
(such as an article or materials) to a different state or thing. In re Bilski et al, 88
USPQ 2d 1385 CAFC (2008); Diamond v. Diehr, 450 U.S. 175, 184 (1981);
Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S.
63, 70 (1972); Cochrane v. Deener, 94 U.S. 780,787-88 (1876).

An example of a method claim that would <u>not</u> qualify as a statutory
process would be a claim that recited purely mental steps. Thus, to qualify as a §
101 statutory process, the claim should positively recite the particular machine to
which it is tied, for example by identifying the apparatus that accomplishes the
method steps, or positively recite the subject matter that is being transformed, for
example by identifying the material that is being changed to a different state.

Here, applicant's method steps are not tied to a particular machine and do
not perform a transformation. Thus, the claims are non-statutory.

The mere recitation of the machine in the preamble with an absence of a

machine in the body of the claim fails to make the claim statutory under 35 USC

101. *Note the Board of Patent Appeals Informative Opinion Ex parte Langemyer*

et al.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by

Pintsov, Patent Number: 6,125,357 (hereinafter Pintsov).

        Referring to claims 1 and 6, Pintsov teaches a method for verifying a

digital postage mark, the method comprising the steps of:

        scanning a mail item to obtain a digital image of the mail item, the mail

item including a digital postage mark and a destination address block **[3:61-63;**

indicium equates mail item/a digital postage mark and a destination address

block and see 4:18-24 for detail of postal indicium]**;

        parsing the digital image to obtain a digital postage mark area and a

destination address block area **[4:12-14;** digital image equates indicium]**;

extracting a first portion of the destination address block from the destination address block area **[4:14-15 and fig. 1;** 26, 28, and 30 in fig. 1 is extracted from the destination address block area/address line 20, 22 and 24, see 6:34-58 for details];

generating a first address block image digest using the first portion of the destination address block **[fig. 1,** in item 12; see "238" equates a first address block image];

retrieving a second address block image digest from the digital postage mark area **[4:27-28;** calculating a local digital token equate a second address block image];

comparing the first address block image digest to the second address block image digest **[8:31-33 and fig. 3, see item 56];** and

accepting the mail item when the comparison of the first address block image digest to the second address block image digest is within a predetermined threshold **[8:33-36 and fig. 3]**.

Referring to claims 2 and 7, Pintsov teaches the step of:

rejecting the mail item when the comparison of the first address block image digest to the second address block image digest is beyond a predetermined threshold **[8:34-36]**.

Referring to claim 3, Pintsov teaches, wherein the second address block image digest is in a cryptographic validation code in the digital postage mark area **[4:27-28;** calculated/computed a local digital token equates CVC].

Referring to claims 4 and 5, Pintsov teaches the steps of:

generating an address block image digest using a first portion of a destination address block of the mail item **[fig. 1,** in item 12; see "238" equates a first address block image];

using the address block image digest as a recoverable portion of a cryptographic validation code **[4:27-28;** calculated/computed a local digital token equates CVC];

formatting the recoverable portion of a cryptographic validation code with other postal data for digital postage mark information computation **[5:1-6, 7:10-23 and fig. 2]**; and

printing the digital postage mark information on one of the mail item, label or tag **[abstract, fig. 2, at 47]**.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YONAS BAYOU whose telephone number is (571)272-7610. The examiner can normally be reached on m-f,7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yonas Bayou/

Examiner, Art Unit 2434

08/11/2009

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2439